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8 UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
9

10 In Re:

CHAPTER 13
CASE NO. 10-63343 SLJ

11 CAROL A. SIGNOR

MOTION TO VACATE ORDER FOR
RELIEF FROM STAY

13

14

Debtor(s)

Date: September 23, 2014
Time: 10:00 AM
Room: 3099

15

16 Debtor Carol A. Signor hereby moves the court for an order to
17 vacate the Order for Relief from Stay as to the creditor Leslie
18 Guittadauro, and to restore the Adequate Protection Order of
19 October 3, 2013.

20 This case was filed by the Debtor on December 31, 2010, as a
21 Chapter 13 case. The court approved the Amended Plan on April 29,
22 2011. The debtor has since been reliably current on her plan
23 payments.

24 In April 2013, creditor Leslie Guittadauro filed a motion for
25 relief from stay. The court heard the matter on May 28, 2013. An
26 Adequate Protection Order (hereinafter "the "APO") was entered on
27 October 3, 2013.

28 As part of the APO the parties were to meet and confer

1 concerning the actual amount of the disputed post-petition
2 arrearage. There were meetings between counsel, but no agreement
3 was ever made regarding the amount of the post-petition arrearage.

4 During this time of the APO, debtor made three (3) monthly
5 payments and then attempted repeatedly to make further payments of
6 \$500 a month to the creditor, but the creditor refused to accept
7 them. See the accompanying declaration of Debtor reviewing her
8 repeated attempts to pay and the circumstances thereof.

9 On or about April 25, 2014, creditor, after changing counsel,
10 filed a declaration re: non-cure of default. The court thereafter
11 issued an Order for Relief from Automatic Stay. The notice of non-
12 cure, however, did not disclose to the court the creditor's refusal
13 to accept payments.

14 On or about June 23, 2014, creditor has issued a 90 Day Notice
15 of Default on the subject real property.

16 Creditor's declaration of non-cure was based on inaccuracies
17 and factual mistakes.

18 WHEREFORE, Debtor requests that this court vacate the order of
19 relief from stay, restore the Adequate Protection Order, and order
20 such other relief as is just and appropriate.

21 Respectfully submitted.

22
23 Dated: September 2, 2014

/s/ David James Trapp, #121274
Attorney for Debtor